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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,686

Applicant(s)

MASUDA

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 25-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Newly submitted claims 25-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Presently applicant has elected a method of displaying set forth in Group I of the restriction dated 4/6/04, but has re-presented claims drawn to a terminal device which were categorized in Groups Vi-IX in the restriction. Since Applicant has elected without traverse to prosecute the claims in Group I, the re-presentation of claims 25-30 to a terminal device is deemed nonresponsive. In addition, these claims are separate and distinct from those of Group I in that the calculating step of the method can be practiced by hand.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 as amended is confusing in that:

1. it calls for calculating a result during a process which has not yet completed;
2. it calls for in line 6, displaying each calculation result without ever reciting a step of calculating;

3. no antecedent basis for "accounting qualities".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis in view of Leni et al. and JP 2000032174.

Hillis discloses a method of displaying an accounting state for a communication service by a terminal device, comprising steps of receiving a communication service (block 40 user enters number), to which a plurality of accounting methods can be applied (account method for fixed location vs. accounting method for conference call vs. accounting method for ISU to ISU, rates are variable and hence are accounting based results), from a network and providing the communication service for a subscriber; and displaying accounting quantities corresponding to each of said plurality of accounting methods in the process of utilizing the communication service (col. 6 lines 50 et seq. since the displayed rate result of an other accounting practice is shown in the process of its use without deference to any other method, the claim meets this limitation).

But, Hillis fails to disclose an accounting method of each of said plurality of accounting methods differing mutually and displaying each result of each method during the service.

However, Leni et al. disclose providing a selection of at least five different pre-defined accounting modes--a secure accounting mode, a resource accounting mode, an authentication disabled accounting mode, a custom accounting mode, and a disabled accounting mode for selection. JP 2000032174 discloses real time display of the present fee rate of a telephone call while in use. It would be obvious to modify the method of Hillis to include the plurality of accounting methods differing mutually of Leni et al. and to use the real time displaying feature of JP'2174 to display the rates of each of the accounting methods during the service. The motivation for this would be the optimization of price by using the best pricing accounting method.

Re claim 3: the specified accounting quantity is read as the selection in Leni et al. of one of a secure accounting mode, a resource accounting mode, an authentication disabled accounting mode, a custom accounting mode, and a disabled accounting mode, which titles are obviously a specified distinguishing property.

Re claim 7: Hillis disclose notifying the network of pieces of information when he discloses accepting the call at col. 6, line 27.

Claims 1,2,4,5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis in view of Leni et al. and JP '2174 as applied to claims 1,3,7 above, and further in view of Kikuchi et al.

Hillis and Leni et al. disclose the invention substantially as claimed except they it fail to disclose the specifics of claims 2,4,5,6. However, Kikuchi et al., re claim 2, disclose obtaining a piece of information on an accounting degree (see unit fee per unit time information 121) corresponding to each of said plurality of accounting methods

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from said network when the communication service starts being utilized; and measuring, in the process of utilizing the communication service, an quantity of an accounting element corresponding to an accounting method, (speech fee process 208) calculating and displaying said accounting quantity (display 212 displays the fee from the calculation made by timer 206).

RE claim 4 it is deemed a mere repetition of steps to calculate and display the fee for various other rates stored in the unit fee database and since these fees while at some point appear on the display 150, they are deemed to have been shown "together".

Re claim 5 and 6, the use of an alarm to sound when a value is exceeded is deemed to be an old and notorious expedient in the art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

JMA. JS